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CANADA

(CANADA ELECTIONS ACT)

**INSTRUCTIONS**  
**FOR**  
**DEPUTY RETURNING**  
**OFFICERS AT**  
**ORDINARY POLLS**

APPLICABLE ONLY AT BY-ELECTIONS

**BOOK M**

(Published by the Chief Electoral Officer)

January 1, 1956

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1956

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## TABLE OF CONTENTS

	PAGE
<b>INSTRUCTIONS FOR DEPUTY RETURNING OFFICERS AT ORDINARY POLLS:</b>	
1. Introductory.....	5
2. Diary of Duties of Deputy Returning Officers at Ordinary Polls.....	6
3. Channels of Communication.....	9
4. Preliminary Duties.....	9
5. Before Poll Opens.....	13
6. Conduct of Voting.....	15
7. Peace and Good Order.....	23
8. After Close of Poll.....	24
9. Fees and Allowances to Poll Officials.....	30
10. LIST OF SUPPLIES No. FIVE.—Forms, etc., for use by the Deputy Returning Officer at an Ordinary Poll.....	32
11. Statement relating to the Qualifications and Disqualifications of Electors at a By-Election.....	33
12. Statement relating to Canadian Citizens and British Subjects.....	38

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## INSTRUCTIONS FOR DEPUTY RETURNING OFFICERS AT ORDINARY POLLS

### 1. INTRODUCTORY

**1. General Observations.**—The order of the paragraphs in these Instructions follows roughly the chronological order in which the various duties are to be performed by deputy returning officers and every step in the prescribed procedure is intended to be covered. The provisions of the Statute dealing with the duties of deputy returning officers are not so framed as to be readily understood by persons without a legal training, and most deputy returning officers come within this category. In these Instructions, therefore, an attempt has been made to state in as simple language as possible all the duties and responsibilities under the Statute of each deputy returning officer, supplementing the directions of the Statute where supplement is deemed necessary, and warning against errors into which deputy returning officers might more or less easily be led. Following this paragraph will be found the Diary of Duties of deputy returning officers at ordinary polls. By referring to this Diary and to the paragraphs of these Instructions mentioned opposite each item of duty, every deputy returning officer should be able to do properly all that is required of him. Moreover, the deputy returning officer is reminded that it will be of some assistance to him if a check mark is inserted, wherever practicable, in the appropriate column of the Diary opposite every item of duty, as soon as such item of duty is completed. Shortly after a by-election has been ordered, the returning officer will send to each prospective deputy returning officer an advance copy of these Instructions for Deputy Returning Officers at Ordinary Polls (Book M). Upon its receipt, the prospective deputy returning officer should familiarize himself with every detail of the duties that he will likely be called upon to perform. In any event, a copy of the said Instructions (Book M) will be enclosed in the large envelope sent in the ballot box with the ballot papers and other necessary supplies. On the date fixed as polling day at the by-election, the poll will be opened at eight o'clock in the morning and kept open continuously until six o'clock in the afternoon. Deputy returning officers must therefore bear in mind that, between 8 a.m. and 6 p.m. on polling day, there must not be any adjournments for meals or otherwise. The hours of the day mentioned in these Instructions relate to standard time. As in the case of other qualified electors, deputy returning officers and poll clerks are entitled to vote at a by-election.

Scope of  
Instructions.

## 2. DIARY OF DUTIES OF DEPUTY RETURNING OFFICERS AT ORDINARY POLLS

Paragraph	Duties	Check when done
	<b>I. AFTER BEING SELECTED:</b>	
1	1. Receive advance copy of Instructions (Book M).....	
1	2. Study it carefully.....	
	<b>II. AFTER APPOINTMENT AND BEFORE POLLING DAY:</b>	
3	1. Swear oath of office (Form 32), detach oath from official appointment, and send it to returning officer.	
3	2. Keep official appointment (Form 31).....	
5(1)	3. Receive ballot box and supplies.....	
5(1)	4. Check contents of ballot box against List of Supplies No. Five printed at page 32.	
6	5. Appoint poll clerk (Form 33, page 1, Poll Book).....	
6	6. Have oath of office of poll clerk sworn (Form 33, page 1, Poll Book).	
5(3)	7. Make necessary corrections on preliminary list.....	
5(4)	8. Put back ballot papers and supplies into ballot box and lock and seal it with a special metal seal (or with an ordinary pad-lock).	
7	9. Receive duplicates of transfer and advance poll certificates, if any.	
7	10. Note these on official list of electors.....	
5(4)	11. Provide Bible or New Testament and ink.....	
9	12. Inspect polling station.....	
	<b>III. BEFORE OPENING OF POLL AT POLLING STATION ON POLLING DAY:</b>	
10(1)	1. Post up Notice of Grant of a Poll and Directions to Electors (Form 37).	
10(2)	2. Make sure that there is no campaign literature in the polling station.	
11	3. Swear candidates' agents (Form 39, pages 3 to 5, Poll Book).....	
14	4. Initial with a black lead pencil the back of every ballot paper received from returning officer.	
12	5. Count ballot papers.....	
13	6. Examine and lock and seal ballot box with special metal seal....	
36	7. Appoint constable, if deemed absolutely necessary (Form 55, page 1, Poll Book).	
	<b>IV. BETWEEN 8 A.M. AND 6 P.M. (STANDARD TIME) ON POLLING DAY:</b>	
15-35	1. Properly conduct voting.....	
	2. Observe instructions as to:	
15	(a) Transfer certificates.....	



## 2. DIARY OF DUTIES OF DEPUTY RETURNING OFFICERS AT ORDINARY POLLS—Continued

Paragraph	Duties	Check when done
<b>IV. BETWEEN 8 A.M. AND 6 P.M. (STANDARD TIME) ON POLLING DAY:—<i>Conc.</i></b>		
16	(b) Admission of electors to polling station.....	
17	(c) Obtaining names, etc., of electors.....	
17, 18	(d) Entries in poll book as per specimen page of poll book (Form 151) and card showing the entries to be made in poll book (Form 158).	
18, 19	(e) Swearing electors.....	
20	(f) Noting oath in poll book.....	
21, 27	(g) Handing ballot papers to electors.....	
22	(h) Variance in names, etc.....	
23	(i) Electors not on urban official list.....	
24	(j) Electors nor on rural official list.....	
25	(k) Interpreters.....	
26	(l) Personated electors.....	
27	(m) Instructing electors.....	
27	(n) Folding ballot papers as per specimen (Form 152) and Instructions <i>re</i> handling of ballot papers (Form 160).	
28	(o) How elector marks ballot paper.....	
29	(p) Spoiled ballot papers.....	
30	(q) Incapacitated electors.....	
31	(r) Blind electors.....	
32	(s) Secrecy at the poll.....	
33	(t) Voting at close of poll.....	
34	(u) Voting on certificate when name omitted from URBAN official list.	
36	3. See that peace and good order are maintained.....	
37, 38	4. Arrest personators, etc. (Forms 51, 53 and 52, 54).....	
<b>V. AFTER CLOSE OF POLL AT 6 P.M. (STANDARD TIME):</b>		
39	1. Admit proper witnesses.....	
40	2. Count number of electors entered in poll book.....	
40	3. Certify number of electors in poll book.....	
41	4. Place spoiled ballot papers in envelope (Form 68).....	
43	5. Check number of ballot papers supplied by returning officer..	
42	6. Place unused ballot papers in envelope (Form 153) and seal such envelope with gummed paper seal (Form 116).	
44	7. Distribute tally sheets (Form 74).....	
45	8. Count ballot papers cast for each candidate.....	

## 2. DIARY OF DUTIES OF DEPUTY RETURNING OFFICERS AT ORDINARY POLLS—Concluded

Paragraph	Duties	Check when done
	<b>V. AFTER CLOSE OF POLL AT 6 P.M. (STANDARD TIME):—<i>Conc.</i></b>	
45(6)	9. Observe prescribed procedure in case of objections to ballot papers (Form 124, page 30, Poll Book).	
46	10. Place counted ballot papers in separate envelopes (Form 73) and seal such envelopes with gummed paper seals (Form 116).	
46	11. Place rejected ballot papers in envelope (Form 67) and seal such envelope with gummed paper seal (Form 116).	
47	12. Swear oaths of deputy returning officer and poll clerk (Forms 56, 57, page 31, Poll Book).	
48	13. Prepare statements of poll (Form 58, pages 32 to 40, Poll Book)..	
48	14. Leave one copy (full page) attached to poll book.....	
48	15. Retain copy (full page) (Form 58, page 33, Poll Book).....	
48	16. Put one copy (full page) (Form 58, page 34, Poll Book) into envelope (Form 155).	
48	17. Place envelope (Form 155) in ballot box.....	
48	18. Deliver statements of poll (half page) (Form 58, pages 35 to 40, Poll Book) to agents.....	
48, 53	19. Mail in envelope (Form 95) one statement of poll (half page) (Form 58, pages 35 to 40, Poll Book) to each candidate.	
46, 49	20. Put spoiled, unused, rejected, and marked ballot paper envelopes and poll book into large envelope (Form 71).	
7, 11, 15, 19(3), 49	21. Put, into envelope (Form 134), official list of electors, transfer certificates, if any, duplicates of transfer and advance poll certificates, if any, appointments of candidates' agents, and completed affidavits in Form 42, if any.	
49	22. Seal envelope (Form 134) and put it into large envelope (Form 71).	
49	23. Seal envelope (Form 71) with gummed paper seal (Form 116)...	
49	24. Place completed envelope (Form 71) in ballot box.....	
49, 50	25. Make sure that there are only two envelopes in ballot box (Form 71 and Form 155) and any special metal seal not required.	
50	26. Lock and seal ballot box with special metal seal.....	
51	27. Prepare preliminary statement of poll (Form 75).....	
51	28. Insert serial number of special metal seal, finally affixed to ballot box, in the space provided for that purpose on preliminary statement of poll (Form 75), and place such statement in envelope (Form 154).	
49	29. Dispose of remaining supplies.....	
49	30. Destroy unused envelopes (Form 95), if any.....	
49	31. Take down and destroy Notice of Grant of a Poll and Directions to Electors.	
52	32. Prepare and certify polling station account (Form 101).....	
52	33. Put account into envelope (Form 154) with preliminary statement of poll (Form 75).	
50-53	34. Address and transmit or deliver ballot box (Tag 121) and, separately, envelope (Form 154) to returning officer.	



### 3. CHANNELS OF COMMUNICATION

**2. Channels of Communication.**—Deputy returning officers will receive their instructions from, and make their reports to, the returning officer, and will also send to him their accounts for services. The fees for the services of the deputy returning officers and poll clerks and the allowance for the rental of polling stations will be paid by special warrants issued by the returning officer after the official addition of the votes has been held. The claim of the constable or of the interpreter, if any, will be paid by separate cheque sent to the person concerned from Ottawa. Inquiries as to the payment of accounts should be addressed either to the returning officer or to the Chief Electoral Officer. Deputy returning officers who have any suggestions to make with regard to any errors in, or omissions from, these Instructions, or any suggestions for the improvement of the electoral procedure, may forward them to the Chief Electoral Officer.

### 4. PRELIMINARY DUTIES

**3. Completion of Oath of Office.**—The first duty of a deputy returning officer is to swear his oath of office (Form 32) which is attached to the official appointment (Form 31). He should do this as soon as he receives his official appointment. Many deputy returning officers will be appointed in advance, but some may receive their official appointments only with their ballot boxes which may not reach them until shortly before polling day. As stated in the next following paragraph, the oath of office may be sworn before the returning officer, the election clerk, any postmaster, any justice of the peace, or before any of the other persons mentioned in the said paragraph. The oath of office will be sworn, detached from the official appointment, and transmitted forthwith to the returning officer. The official appointment (Form 31) will remain in the possession of the deputy returning officer. The deputy returning officer is warned that no action will be taken towards the settlement of his account if his duly completed oath of office has not been received by the returning officer.

**4. Swearing of Oaths.**—Except the oaths and affidavits which, as prescribed in these Instructions, must be sworn before the deputy returning officer, any oath or affidavit required to be taken in connection with the conduct of a by-election may be sworn not only before the judge of any court, any magistrate, any justice of the peace, any notary public, or any commissioner for taking affidavits in the province, but also before the returning officer, the election clerk, any postmaster, any revising officer, any deputy returning officer, or any poll clerk. All oaths or affidavits taken in connection with the conduct of a federal election are administered gratuitously. The proper way to swear to an oath which is in writing is for the officer administering the oath to ask the deponent either to sign it or, if it is already signed, to acknowledge his signature to it, and then to say to him: "You swear that this oath signed by you is true to the best of your knowledge, information, and belief. So help you God." The oath will be sworn upon a Bible or a New Testament.

Certain persons who have either no religious beliefs, or have conscientious scruples against swearing oaths, are permitted to make an affirmation, and in such cases the procedure is the same except that the form is "You solemnly affirm" instead of "You swear", the words "So help you God" are omitted, and no Bible or New Testament is required. The prescribed form must always be complied with. Any person who signs a statement that an affidavit or declaration has been sworn or affirmed before him without having required the deponent actually to swear or affirm is guilty of an offence and liable to punishment. The procedure for an oath or affirmation which is not in writing is as follows: The oath will be read audibly before the deponent by the person administering it, and then sworn upon a Bible or a New Testament, or affirmed as above directed.

Supplies.

**5. Official List of Electors and Supplies.**—(1) All the necessary supplies for a polling station will be transmitted to the deputy returning officer in a sealed ballot box. Upon receipt of such ballot box, the deputy returning officer will open it by cutting the seal with scissors or a similar instrument. A table setting out these supplies is given in List of Supplies No. Five which is printed at page 32. The forms for one polling station, mentioned in the first part of such List, are enclosed in a large envelope. The returning officer will add in the ballot box the forms mentioned in the second part of such List. Amongst the supplies mentioned in the first part will be found an envelope (Form 88) containing the following articles: two black lead pencils, with string attached; two pen handles; two sheets of blotting paper; two pen-nibs; one box of thumb tacks; and ten gummed paper seals (Form 116). The supplies and forms should be carefully checked as soon as they are received, and if there is any deficiency, the returning officer will be immediately notified, so that the voting may be regularly carried out.

Official  
list of  
electors.

(2) The lists of electors to be used for the taking of the votes at the by-election are prepared entirely anew under the direction of the returning officer. The returning officer will transmit to each deputy returning officer, in the ballot box, the list of electors relating to such deputy's polling station. This will be the official list of electors to be used for the taking of the votes on polling day. For an urban polling division, such official list will consist of the printed preliminary list (or part thereof) taken together with the statement of changes and additions certified by either the revising officer or the returning officer. For a rural polling division, such official list will consist of the printed, typewritten, or written preliminary list (or part thereof) taken together with the statement of changes and additions certified by either the enumerator or the returning officer.

Manner of  
using official  
list.

(3) Special care will have to be exercised by the deputy returning officer and the poll clerk in the use of the official list of electors as this list is in two parts, the first part being the preliminary list and the second, the statement of changes and additions. The handling of the preliminary list itself should not offer any difficulty since its form is the same as that used at several elections and poll officials will no doubt be familiar with it. The statement of changes and additions, however, may appear



to be more complicated since it is made up of three different sections. The first section will contain the names of the electors added to the preliminary list during the revision (the deputy returning officer will treat every name appearing in this section as if it had been included in the preliminary list). The second section will contain the corrections made during the revision in the entries appearing on the preliminary list (these corrections will have to be taken into account when the electors concerned present themselves to cast their votes). The third section will contain the names struck out from the preliminary list during the revision (the names appearing in this section are to be treated as if they did not appear on the preliminary list at all). The best way to deal with names struck out is for the deputy returning officer, before the poll opens, to draw a line with a lead pencil through the relevant entries on the preliminary list. In the case of corrections, the deputy returning officer may also, at the same time, make with a lead pencil the necessary alterations on the preliminary list. When the preliminary list has been so altered in the cases of names struck out and corrected, the only section of the statement of changes and additions to be followed closely during the course of the voting will be that provided for names added to the preliminary list during the revision. If these steps are carefully taken, the procedure for the taking of the votes will be simplified.

(4) In the interval between the receipt of the ballot box and polling day, every care should be taken of the documents and supplies so as to prevent their being tampered with. The supplies, including the official list of electors and the ballot papers, will be replaced in the ballot box and this kept locked and sealed with one of the special metal seals furnished in the envelope (Form 96). Each deputy returning officer must lock and seal his ballot box with such special metal seal (or with an ordinary padlock) as directed in the Memorandum of Instructions (Form 98) enclosed in the said envelope (Form 96). The deputy returning officer will himself provide a Bible or a New Testament and some ink. No allowance will be made for the securing of these articles. The deputy returning officers and poll clerks will provide their meals on polling day at their expense. Deputy returning officers and poll clerks appointed to act in polling stations established in either urban or rural polling divisions are not entitled to travelling allowances.

Safe-keeping  
of  
official list,  
ballot  
papers,  
etc.

(5) In a very remote rural polling division where the postal service and transportation facilities are such that it is doubtful if one copy of the preliminary list or one copy of the statement of changes and additions can be sent by the enumerator to the returning officer and then by the returning officer to the deputy returning officer concerned in time for polling day at the by-election, the returning officer may be authorized by the Chief Electoral Officer to direct that one copy of the preliminary list, or one copy of the statement of changes and additions, or both, as prepared and certified by the enumerator, be delivered or transmitted by the rural enumerator direct to the deputy returning officer concerned. In such case, the deputy returning officer will, for the taking of the votes, use such copy of the

Official lists  
in remote  
rural polling  
divisions.

preliminary list, or statement of changes and additions, or both, as though he had received them or either of them from the returning officer.

Poll clerk.

**6. Appointment of Poll Clerk.**—After he has received and checked his supplies, the first duty of a deputy returning officer is to select and appoint a poll clerk, man or woman, who must be qualified as an elector at the by-election. The form of appointment (Form 33) will be found on page 1 of the poll book. Immediately upon his appointment, the poll clerk will, before the deputy returning officer, swear his oath of office (Form 33) also printed at page 1 of the poll book. If, subsequently, the deputy returning officer becomes unable to perform his duties, the poll clerk, without taking another oath of office, will act in his place unless the returning officer appoints a new deputy. If the poll clerk acts in the place of the deputy returning officer, he will appoint and swear a new poll clerk on the special form (Form 34) which is printed at page 2 of the poll book.

Noted on  
official list  
of electors.

**7. Transfer and Advance Poll Certificates.**—Before the opening of the poll, the deputy returning officer should receive a duplicate of any transfer certificate or perhaps advance poll certificate which may have been issued to an elector whose name appears on the official list of electors for his polling station. The receipt of a duplicate of a transfer certificate (Form 44) means that the original has been issued to the elector named therein and that such elector may accordingly vote at another ordinary polling station established in the electoral district, and the receipt of a duplicate of an advance poll certificate (Form 66) means that the original has been issued to the elector named therein and that such elector may accordingly vote at an advance polling station established in the electoral district. Before putting the duplicates of transfer and advance poll certificates into the envelope (Form 134), the deputy returning officer will make on the official list a note opposite the name of the elector described in each certificate in order that, if a ballot paper is applied for in that elector's name, he will be on his guard. The issue of a transfer or advance poll certificate to an elector does not prevent him from voting at the ordinary polling station established for the polling division on the official list for which his name appears, but an elector to whom has been issued a transfer or advance poll certificate should be required to produce it before being allowed to vote at his ordinary poll; its production constitutes the best evidence that it has not been made use of, since, if it had, it would have been delivered to the deputy returning officer at the other ordinary polling station or at the advance polling station at which it was used. If the elector cannot produce his advance poll certificate, he will not be allowed to vote. If the elector cannot produce his transfer certificate, he should be asked to explain its absence and should be required, before he is handed a ballot paper, to take the oral oath of qualification, Oath A (Form 41) printed on the card.



**8. Replacing Deputy Returning Officers.**—The returning officer may, at any time, relieve a deputy returning officer of his duties and appoint another person to perform them, and a deputy returning officer so relieved will, forthwith upon receiving a written notice from the returning officer of the appointment of a substitute for him, deliver to the returning officer or to such other person as the returning officer may appoint, the ballot box, the ballot papers, the official list of electors, and any other documents and supplies in his possession as such deputy returning officer. On default, the replaced deputy returning officer is liable to a severe penalty.

Removal by returning officer.

## 5. BEFORE POLL OPENS

**9. Arrangements for Polling Station.**—The deputy returning officer will, prior to the opening of the poll, see that arrangements at the polling station are satisfactory, that the room in which the voting is to take place is sufficiently furnished with chairs and tables, and that the voting compartment or compartments are supplied with a table or desk with a hard and smooth surface and so arranged that each elector may be free from observation and may mark his ballot paper without interference or interruption. The deputy returning officer will also see that the polling station is properly lighted and heated. Any screens required to complete the voting compartments must be supplied by the landlord of the polling station.

Inspection of premises selected as polling station.

**10. Directions to Electors, etc.**—(1) Before the opening of the poll, at least six copies of the Directions to Electors (Form 37) will be posted up by the deputy returning officer in conspicuous places at the entrance and in the near vicinity of the polling station, and one copy will be posted up in each voting compartment. The black lead pencil supplied in the envelope (Form 88) will be fastened to the desk or table upon which the ballot papers are to be marked or to the wall near it. It is the duty of the deputy returning officer to see that such black lead pencil is kept properly sharpened during the hours of voting. Moreover, the deputy returning officer must take every precaution against the substitution of a coloured pencil for such black lead pencil. The copy of the Notice of Grant of a Poll will be posted up in the polling station where it can be conveniently referred to. The thumb tacks supplied in the envelope (Form 88) will be used in posting up such copies of the Directions and of the Notice.

Directions to electors.

(2) Before the opening of the poll and at frequent intervals during the hours of polling, the voting compartment or compartments must be examined by either the deputy returning officer or the poll clerk, and any campaign literature found therein, such as circulars, cards, signs, blotters, poster bills or other paper, issued by or on behalf of any candidate or political party or group, must be gathered up and destroyed. Moreover, the deputy returning officer must ensure that none of the above-mentioned campaign literature is posted up or left about inside any of the space which has been rented for the conduct of the poll.

Removal of campaign literature.

Agents of  
candidates.

**11. Swearing Agents of Candidates.**—A candidate in the field is entitled to appoint in writing two agents to act for him at each polling station, and if at any polling station no such appointed agent presents himself, any two electors may, upon their request, assume the duty of representing such candidate. These agents or these electors must each subscribe, before the deputy returning officer, to one of the oaths of secrecy (Form 39) printed at pages 3 to 5 of the poll book, immediately upon exercising their right to be present in the polling station. This oath of secrecy is merely to the effect that the agent of (or elector representing) a candidate will keep secret the name of the candidate for whom the ballot paper of any incapacitated elector is marked in his presence. Consequently, there is no prohibition against the agent of (or elector representing) a candidate giving out, during the hours that the poll is open, information as to who has voted or has not voted in the polling station. An agent appointed in writing may arrive at any time while the poll is open, and if an elector has acted before his arrival, the latter loses his right to continue if such agent desires to replace him. The written appointment of an agent of a candidate will be delivered to the deputy returning officer and by him placed in the envelope (Form 134). The deputy returning officer will not allow more than two agents or electors representing any one candidate to be present at the same time in the polling station. Agents or electors representing candidates may absent themselves from and return to the polling station at any time before the close of the poll at 6 p.m. (standard time) at which hour they must be in the polling station in order to be entitled to be present at the counting of the votes. Agents or electors representing candidates arriving at the polling station after 6 p.m. (standard time) are not to be admitted. It is not obligatory for an agent appointed in writing by a candidate to be a qualified elector at the by-election, but an elector representing a candidate must be entitled to vote at such by-election. A candidate may act as his own agent at any polling station or he may attend at any polling station and assist his agent or representative.

Counting  
ballot  
papers.

**12. Counting the Ballot Papers.**—If agents or electors representing candidates are in attendance fifteen minutes before the hour at which the poll opens, they are entitled to inspect the election documents in the possession of the deputy returning officer, and to have the ballot papers counted in their presence. The deputy returning officer should check the ballot papers again at this time even if no agent asks to have it done. If any have disappeared, the returning officer will be instantly notified of the serial numbers of the missing ballot papers.

Inspection  
of ballot  
box.

**13. Examination of Ballot Box.**—Just before 8 a.m. (standard time), when the voting should begin, the ballot box will be ascertained to be empty, and any agents or electors representing candidates permitted to inspect it. The ballot box will then, in full view of such of the candidates or their agents or the electors representing candidates as are present, be locked and sealed with a special metal seal. The deputy returning officer must lock and seal his ballot box exactly as



directed in the Memorandum of Instructions (Form 98) referred to in paragraph 5 (4). The ballot box will then be placed on a table in full view of all present. The electors will then be allowed to vote. Any agent or elector representing a candidate may, while the poll is open, and immediately before the ballot box is dispatched to the returning officer, take note of the serial number embossed on the special metal seal affixed to the ballot box.

**14. Initialling Ballot Papers.**—Before the opening of the poll, on polling day, the deputy returning officer will, at the polling station and in full view of such of the candidates or their agents or the electors representing candidates as are present, affix uniformly his initials in the space provided for that purpose on the back of every ballot paper supplied to him by the returning officer. The initials of the deputy returning officer will be affixed with a black lead pencil. For the purpose of such initialling, the ballot papers will not be detached from the books in which such ballot papers have been bound or stitched. During the hours of voting, special care must be taken by the deputy returning officer to see that no ballot paper is handed to an elector unless it has been duly initialled.

D.R.O.'s  
initials  
on ballot  
papers.

## 6. CONDUCT OF VOTING

**15. Voting on Transfer Certificates.**—The first persons to vote will generally be the deputy returning officer, the poll clerk, and the agents appointed in writing by the candidates. Even if their names are on the official lists of electors for some other polling stations, such agents may, if they have obtained transfer certificates from the returning officer or the election clerk, and subject to certain conditions mentioned hereunder, vote at the polling station at which they are actually engaged in the performance of their duties. The transfer certificate must be delivered to the deputy returning officer and no agent appointed in writing by a candidate will be allowed to vote on a transfer certificate unless he has subscribed to the affidavit (Form 45) printed on the same sheet as the transfer certificate. This affidavit must be subscribed before the deputy returning officer. The transfer certificate (Form 44) and the affidavit will at once be put into the envelope (Form 134), and the fact that the affidavit has been subscribed will be noted in the appropriate column of the poll book. The vote of such elector will be cast in the usual way, but the poll clerk will insert in the remarks column of the poll book, opposite the name of the elector, the words "Voted on transfer certificate No. . . . as," followed by the description of the functions of the elector, *e.g.*, "D.R.O.", "poll clerk", "agent of (*naming a candidate*)". A candidate may vote on a transfer certificate, but never, in any circumstances, at any polling station, must more than two agents appointed in writing by the same candidate be allowed to vote on such certificates. The election clerk or any deputy returning officer and poll clerk voting on transfer certificates are not required to subscribe to the above-mentioned affidavit (Form 45). No transfer certificate issued to any deputy returning officer, poll clerk, or

Voting by  
election  
officers and  
candidates'  
agents.

agent appointed in writing by a candidate will entitle any of such persons to vote pursuant thereto, unless, on polling day, he is actually engaged in the performance of the duty specified in the said certificate at the polling station therein mentioned.

Admission of electors.

**16. Admission of Electors to Polling Station.**—The deputy returning officer may, if he deems it advisable, direct that not more than one elector for each of the voting compartments be permitted to enter in the polling station at the same time. Whenever several electors are waiting to vote, additional voting compartments ought to be set up in order that there will not be any delay in the taking of their votes.

Procedure on admission of elector.

**17. Obtaining Name of Elector.**—No elector is entitled to vote more than once at the by-election. Upon being admitted to the polling station, each elector will, before anything else is done, declare his name, address, and occupation. The poll clerk will then ascertain that the name of such elector appears on the official list or, in a rural polling division only, that the applicant elector is otherwise entitled to vote. The poll clerk will insert a check mark on the official list opposite the name of the elector. When this has been done, the poll clerk will enter the name, address, and occupation of the elector in the poll book (Book B), inserting in the first column a consecutive number beginning with "1" for the first elector, "2" for the second elector, and so on. In the third column of the poll book, the poll clerk will not insert any occupation for a woman who is not designated with an occupation on the official list of electors. For the guidance of the deputy returning officer and the poll clerk in making the various entries in the poll book, a specimen page of the poll book (Form 151) and a card showing the entries to be made in poll book (Form 158) are furnished in List of Supplies No. Five.

Handing ballot papers to electors.

**18. When Elector entitled to receive a Ballot Paper.**—Subject to his taking any oral oath (or affidavit) which may be required of him under these Instructions, every person whose name appears on an official list of electors will be allowed to vote at the polling station on the official list for which his name appears. After the name and other particulars of the elector have been obtained and written in the poll book, the consecutive number, if any, of the elector on the official list will be entered in the proper column of the poll book, and, after the ballot paper has been folded by the deputy returning officer as directed in paragraph 27, the elector will be handed the ballot paper with the counterfoil attached, unless the deputy returning officer, the poll clerk, or any agent or representative of a candidate requests that he be first sworn.

Application of oaths.

**19. Swearing Electors.**—(1) Section 39 of the *Canada Elections Act* provides an oral oath (or an affidavit in an urban polling division) for an elector which affirms in substance his identity, that he is a Canadian citizen or other British subject of the full age of twenty-one years who has not already voted at the by-election, has the necessary residence qualification, and has not been bribed. Sections 41 to 45 of the said Act provide



several oral oaths relating to the identity and to the physical incapacity of electors. Section 46 of the said Act provides an oral oath for a qualified elector in a rural polling division whose name does not appear on the official list; it also provides an oral oath for an elector who vouches for such a person. All these oral oaths (or the affidavit), which must be sworn before the deputy returning officer, are the only ones that may be put to electors. The right of the deputy returning officer to put any of these oral oaths (or affidavit), and the right of poll clerks, candidates and their agents or representatives to demand the putting of certain of these oral oaths (or the affidavit) are plain, but these rights are exhausted when the oral oaths (or the affidavit) are put, and there can be no catechising the applicant as to his qualification as an elector.

(2) Before receiving a ballot paper, the elector, if required to do so by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any other elector present, will take, before the deputy returning officer, the oral oath of qualification, Oath A (Form 41) printed on the card. Oral oath of qualification.

(3) In urban polling divisions only, an elector specially required to do so by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any other elector present, will subscribe to an affidavit of qualification (Form 42) before the deputy returning officer, instead of the oral oath of qualification above referred to. The deputy returning officer will put the completed affidavits of qualification into the envelope (Form 134). A pad of twenty affidavits of qualification will be included in the ballot box by the returning officer before it is transmitted to the deputy returning officer for each urban polling station. The number of electors who may be called upon to subscribe to this affidavit should not exceed twenty in any given urban polling station; more than that number would unduly delay the taking of the votes at such polling station. This subparagraph is not applicable in rural polling stations. Affidavit of qualification by urban elector.

**20. Noting Oath in Poll Book.**—The form number of any oral oath (or affidavit) put to an elector will be entered in the proper column of the poll book. In the next column will be entered either the word "Sworn" or "Affirmed" or the words "Refused to be Sworn" or "Refused to Affirm" according to the oral oath (or the affidavit) being taken or refused. If the applicant refuses to answer proper questions put by the deputy returning officer, there will be entered in the remarks column of the poll book the words "Refused to Answer". In all such cases of refusal by an applicant, a line will be drawn through the entry of his name on the official list of electors and in the poll book. Entries in poll book.

**21. Delivery of Ballot Paper to Sworn Elector.**—If an applicant elector takes the required oral oath (or the affidavit) he must be furnished with a ballot paper, unless an information for perjury or personation is immediately sworn and a warrant forthwith issued for his arrest. On the other hand, an applicant Handing ballot paper to sworn elector.

who has refused to be sworn or to answer proper questions is not to be handed a ballot paper nor again to be admitted to the polling station, even if upon reflection or encouragement he thinks better of his refusal; in every such case of refusal to be sworn or refusal to answer proper questions, the deputy returning officer will immediately warn the applicant accordingly.

Mistake on  
official list  
of electors.

**22. Variance in Name on Official List of Electors.**—When a name closely corresponding to that given by an applicant elector is found in the official list, the deputy returning officer will have to determine if a mistake has been made in such official list. If the deputy returning officer decides that the variance is due to a mistake, he will require the elector to take the oral oath as to error on list, Oath B (Form 43) printed on the card, and the fact that this oral oath has been taken will be noted in the proper column of the poll book. In such a case, the elector may also be required to swear any other applicable oral oath (or affidavit).

Urban  
elector not  
on official  
list of  
electors.

**23. Elector's Name not on Urban Official List.**—Unless he has obtained a transfer certificate from the returning officer or the election clerk, or a special certificate (Form 20 or 21) from the returning officer, an elector must vote at the polling station established for the urban polling division upon which official list his name appears, and if he has no such certificate and his name is not registered on such official list, he cannot vote at such urban polling station.

Rural elector  
not on  
official list  
of electors.

**24. Elector's Name not on Rural Official List.**—(1) A qualified elector in a rural polling division may vote notwithstanding that his name does not appear on the official list. In any such case, the applicant elector must take, before the deputy returning officer, the oral oath of an applicant rural elector, Oath F (Form 49) printed on the card, and he must be vouched for by some other elector of the polling division whose name is on the official list and who takes, before the deputy returning officer, the oral oath of a person vouching for an applicant rural elector, Oath G (Form 50) also printed on the card. The oath that the applicant rural elector is called upon to take will be noted in the proper column of the poll book and the fact that he has taken such oath will be indicated in the next column by inserting the word "Sworn". The name and other particulars of the vouching elector, including his consecutive number on the rural official list, will be entered in the appropriate columns of the poll book followed in the proper column by the word "Sworn". Thereupon, the applicant elector must be handed a ballot paper, unless he is immediately proceeded against for perjury or personation. To carry out the directions set out in this paragraph and the other relevant directions contained in these Instructions, it would be most advantageous for the deputy returning officer and the poll clerk for a rural polling station to familiarize himself with the directions of the Chief Electoral Officer dealing with the qualifications, disqualifications, and rules as to the residence of electors. These directions are set out in a Statement relating to qualifications and disqualifications of electors at a by-election, which is printed at pages 33 to 37. This paragraph is not applicable in urban polling stations.



(2) The Statute prescribes a severe penalty for any elector who vouches for an applicant rural elector knowing that such applicant is for any reason disqualified from voting in the polling division at the by-election. Penalty for illegal vouching.

**25. Elector requiring an Interpreter.**—An interpreter may be appointed and sworn by the deputy returning officer\* if his services are deemed absolutely necessary. In a polling station in which there is a large number of electors whose language is not understood by either the deputy returning officer or the poll clerk, the interpreter should be required to remain at the polling station during all the hours that the poll is open on polling day. A fee of \$5 will be allowed for his services. Where the necessity for such services arises only in the case of two or three electors, it should be suggested that they themselves obtain the services of someone who understands their language as well as that of the deputy returning officer. The person whose services are so obtained will be sworn by the deputy returning officer,\* but need not be retained at the polling station until the close of the poll. He should not ordinarily require any fee, but when such electors would be prevented from exercising their franchise by the lack of an interpreter and cannot get some friend to act gratuitously, a reasonable fee of say one dollar may be allowed to the interpreter. In such case, the claim of the interpreter should be completed in the space provided for that purpose on the back of the polling station account (Form 101) before he leaves the polling station. The claim of the interpreter will be paid by a separate cheque sent from Ottawa. An interpreter is not entitled to travelling allowances. If it is impossible to secure the services of an interpreter, the electors requiring such services will not be allowed to vote. Employment of interpreter.

**26. Personated Elector.**—Cases will occur in which a personator has voted in the name of a qualified elector before such qualified elector himself applies to vote. In any such case, the qualified elector is, before voting, required to take, before the deputy returning officer, the oral oath of a personated elector, Oath C (Form 46) printed on the card. He must also by his answers to questions, or by producing witnesses, or otherwise, as the deputy returning officer requires, satisfy the latter of his identity. A note of the fact of his having taken the oral oath will be made in the proper column of the poll book and the word "Sworn" entered in the next column. Moreover, the qualified elector may be required to swear any other applicable oral oath (or affidavit). In the remarks column of the poll book will be inserted the words "Second ballot paper; see No.—", mentioning the consecutive number given to such elector in the poll book when it was entered at the time of voting by the personator. A note will also be made, in the remarks column of the poll book, of any objection made on behalf of any and of which of the candidates. Procedure in cases of personation.

\* The deputy returning officer shall administer the following oral oath: "You swear (or solemnly affirm) that you will truly and faithfully act in your capacity of interpreter. So help you God."

How electors  
instructed.

**27. Instructing Electors.**—Before the elector is handed a ballot paper, he will be instructed by the deputy returning officer that the ballot paper is to be folded so that the initials of the deputy returning officer and the serial number printed on the back of the counterfoil can be seen without its being unfolded, but the manner in which the elector has voted, cannot be observed. This instruction will be given by the deputy returning officer who, without removing the counterfoil, will himself, in the presence of the elector, fold the ballot paper according to the specimen folded ballot paper supplied in the envelope (Form 152) and to the Instructions *re* handling of ballot papers (Form 160) which are furnished in List of Supplies No. Five. Every ballot paper must be completely folded and the creases firmly pressed by the deputy returning officer before it is handed to the elector. The elector will also be instructed by the deputy returning officer to mark his ballot paper by making a cross in the space in which are printed the name and particulars of the candidate for whom he desires to vote. At this stage, the deputy returning officer should warn any inexperienced or illiterate elector that unless his ballot paper is properly marked it will not be counted.

How elector  
votes.

**28. Conduct of Elector who receives a Ballot Paper.**—Immediately upon receiving a ballot paper, the elector will go in one of the voting compartments and there mark it. Only when the elector cannot mark his ballot paper by reason of inability to read, blindness, or other physical incapacity, can any other course be taken, and the special procedure then followed is set out in paragraphs 30 and 31. After marking the ballot paper in the voting compartment, the elector will hand it back, to the deputy returning officer, folded as directed in the next preceding paragraph. After having removed and destroyed the counterfoil, the deputy returning officer will himself put the ballot paper into the ballot box. Upon this being done, the poll clerk will write the word "Voted" in the proper column of the poll book. The elector will then leave the polling station. Thus, every marked ballot paper must be put into the ballot box by the deputy returning officer himself and NOT by the elector.

Disposal  
of spoiled  
ballot  
papers.

**29. Spoiled Ballot Papers.**—An elector who has received a ballot paper may, before he has handed it back to the deputy returning officer to be put into the ballot box, obtain a second ballot paper on the ground that he has inadvertently spoiled the first. In any such case, the spoiled ballot paper will be handed back to the deputy returning officer by whom it will be defaced and placed, without being inspected, in the spoiled ballot paper envelope (Form 68). Within reasonable limits the word of the elector that he has spoiled a ballot paper will be accepted. An elector's right to obtain another ballot paper in lieu of one he has spoiled is not limited to one, but, after an unsuccessful attempt, he should have a very good explanation of a second failure to mark his ballot paper as he desires.

Incapaci-  
tated  
electors.

**30. Electors incapacitated otherwise than by Blindness.**—An elector who is unable to mark his ballot paper by reason of his being illiterate or by reason of any physical disability other than blindness, can vote only in the following manner.



(The procedure to be followed in the case of a blind elector is set out in the next following paragraph.) The incapacitated elector will first be required to take, before the deputy returning officer, the oral oath of an incapacitated elector, Oath D (Form 47) printed on the card, and the fact of his having taken it will be indicated in the appropriate column of the poll book. He may also be required to swear any other applicable oral oath (or affidavit). Upon the incapacitated elector being duly sworn, the deputy returning officer, in the presence only of the poll clerk and the sworn agents or electors representing candidates, will ask such elector for what candidate he desires to have his ballot paper marked. The deputy returning officer will then, in full view of the persons who are entitled to be present, mark the ballot paper accordingly, tear off the counterfoil, and put the ballot paper into the ballot box. The nature of the elector's incapacity will be noted in the remarks column of the poll book.

**31. Blind Electors.**—The votes of blind electors may be taken either in the same manner as the votes of other incapacitated electors, as indicated in the next preceding paragraph, or in a voting compartment through the medium of a friend of the blind elector acting at his request. In such case, it is necessary not only that the blind elector himself should take, before the deputy returning officer, the oral oath of an incapacitated elector, Oath D (Form 47) printed on the card, but also that his friend should take, before the deputy returning officer, the oral oath of the friend of a blind elector, Oath E (Form 48) also printed on the card, and upon such oaths being sworn the blind elector and his friend will be allowed to go together in a voting compartment, where the latter will mark the blind elector's ballot paper. The blind elector may also be required to swear any other applicable oral oath (or affidavit). The poll clerk will, in addition to the other requirements prescribed in these Instructions, enter the name of the friend of the blind elector in the remarks column of the poll book, opposite the entry relating to such blind elector. No person will at a by-election be allowed to act, as aforesaid, as the friend of more than one blind elector.

**32. Secrecy at the Poll.**—The Statute prescribes a severe penalty for any elector who, while in the polling station, declares for whom he intends to vote or declares or shows for whom he has voted, unless such elector is unable to vote without assistance. On the occasion of the marking, in the presence of the poll clerk and the candidates' agents or representatives, of the first incapacitated elector's ballot paper, the deputy returning officer would be well advised to direct the attention of the persons present to the fact that a disclosure at any time of the manner in which an elector has voted, or intends to vote, is not only a breach of the oath of secrecy, but is in addition punishable as an offence. It will also be the duty of the deputy returning officer to draw the attention of any elector who has contravened the provisions of the Statute on the subject of the secrecy of the voting, to the offence that he has committed; nevertheless, such elector will be allowed to vote in the usual way.

Blind electors.

Secrecy.

Procedure in case of violation of secrecy.

Voting  
after 6 p.m.

**33. Voting at Close of Poll.**—At the hour of the closing of the poll, at 6 p.m. (standard time), the voting will go on until every qualified elector who has actually arrived at the polling station, at or before that hour, has been allowed to vote. Special care, however, must be exercised by the deputy returning officer and the poll clerk to see that no person who was not actually present at the polling station at the hour of closing is allowed to vote, even if the voting is still going on when such person arrives.

Voting on  
special  
certificate.

**34. Voting on Certificate when Name omitted from List.**—In urban polling divisions only, upon the delivery to the deputy returning officer of a certificate in Form 20 or 21 by an elector whose name was inadvertently omitted from the official list, the deputy returning officer will allow such elector to vote as though his name appeared on such list. In any such case, the deputy returning officer will, whenever possible, be notified in advance by the returning officer of the issue of such certificate. The poll clerk will insert in the remarks column of the poll book, opposite the name of the elector, the words "Voted on certificate in Form 20 or 21". Electors voting on such certificates may be required to swear, before the deputy returning officer, any applicable oath printed on the card, or to subscribe to the affidavit of qualification (Form 42). This paragraph is not applicable in rural polling stations.

When  
candidate  
withdraws.

**35. Procedure on Withdrawal of Candidate.**—When a candidate withdraws after the ballot papers have been printed, the returning officer will notify each of his deputy returning officers, by letter or telegram, of such withdrawal. If time permits, the returning officer will cause to be printed a notice of such withdrawal and send a copy of such notice to each of his deputy returning officers. During voting hours, the deputy returning officer will post up such copy of the printed notice in a conspicuous place in his polling station. If time does not permit of the printing and transmission of such notice, it will be the duty of each deputy returning officer, upon being notified by letter or telegram by the returning officer, to prepare by hand in large block letters a notice of the withdrawal of the candidate and keep such notice posted up in a conspicuous place in his polling station during the hours that the poll is open. This notice may be worded as follows:

#### "NOTICE TO ELECTORS

ELECTORAL DISTRICT OF .....

The returning officer has notified me of the withdrawal of  
..... of ..... as a candidate at the  
pending by-election. His name is printed on the ballot papers,  
but any vote cast in favour of such person will be null and void.

.....  
*Deputy Returning Officer*"



In any event, whether there is a printed or written notice posted up in the polling station, it is the duty of the deputy returning officer, when handing a ballot paper to an elector, to inform such elector of the withdrawal of the candidate. The deputy returning officer must not, however, take any of the steps mentioned in any part of this paragraph unless actually notified, by letter or telegram, by the returning officer of the withdrawal of the candidate, or, in other words, the deputy returning officer will pay no attention to any rumours that may reach him as to the withdrawal of a candidate unless he has received the information, by letter or telegram, direct from his returning officer.

## 7. PEACE AND GOOD ORDER

**36. Access to Poll and Peace and Good Order.**—For the purpose of the orderly conduct of his polling station, every deputy returning officer, during the hours that the poll is open, has the power of a justice of the peace to maintain order. For this purpose he may require the assistance of the ordinary constabulary, may obtain the help of other justices of the peace, and may, for the maintenance of order, himself appoint a constable. Upon the deputy returning officer rests the responsibility of seeing that electors are not impeded or molested in and about the polling station, and these powers are given him for the purpose of ensuring that order is maintained. These powers should not be exercised unless there is actual or threatened disorder. Whenever the services of a constable are deemed absolutely necessary, the deputy returning officer will appoint a person to act in that capacity. Generally, the appointment of one constable is necessary where more than one polling station is established in the same building or in adjoining buildings for a given polling division, to ensure the successive and prompt entrance of the electors into their proper polling stations. In such case, the deputy returning officers concerned will decide between themselves which deputy will make the appointment. A constable will be appointed and sworn on the prescribed form (Form 55) which is printed at page 1 of the poll book. Every deputy returning officer who appoints a constable must state, in the special certificate printed on the back of the polling station account (Form 101), his reason for making such appointment. A constable will be entitled to a fee of \$5 for his services on polling day. The constable will be paid by a separate cheque sent direct to him from Ottawa, provided, of course, that good and sufficient reason for the making of such appointment is given on the back of the polling station account. It must, therefore, be expected that there will be some delay in the payment of the constable's claim. A constable is not entitled to travelling allowances.

**37. Arrest and Detention.**—Any person who creates a disturbance or disorder in and about the polling station may be arrested by the deputy returning officer, or by any other person at the deputy returning officer's direction. If it is deemed advisable to detain any person so arrested, he may be kept in custody until an hour not later than the close of the poll, either in the local jail or under the custody of some person specially appointed

for the purpose. All that is necessary to make such detention legal is for the deputy returning officer to write on a piece of paper "Hold (*name of person arrested*) in custody until o'clock this afternoon". If the name of the disorderly person is unknown, the words *the person now delivered to you* may be used instead of the name. The order should be signed by the deputy returning officer and addressed to some one who is to be responsible.

Procedure on  
election  
offences.

**38. Unlawful Attempts to Vote.**—The deputy returning officer should forthwith order under arrest any personator or person charged with a deliberate attempt to vote knowing he is disqualified. He must do so if requested by the poll clerk or the agent or the representative of a candidate. Forms of Information and Warrant (Forms 51, 53 and 52, 54) are included in List of Supplies No. Five. If the person charged is discovered before he leaves the polling station, he can be placed under arrest instantly without waiting for the issue of any document, but the information should be laid at once by the agent or the representative of a candidate who has asked for the arrest, if any, or if none, by any of the other persons present prepared to lay it, and the warrant will be issued as soon as the documents can be completed, which should be within a few minutes after the offence takes place. If the person charged has left the polling station before the offence is discovered, the warrant (Form 53 or 54) will be issued to some constable who will proceed to make the arrest. In cases such as these, the poll clerk may act as a constable, and any other person may be appointed verbally by the deputy returning officer and may act without taking an oath. The warrant will be made returnable before the nearest magistrate who has the powers of two justices of the peace. Generally, this means a county court judge, police magistrate, or stipendiary magistrate; where none of these judicial officers are available, two justices of the peace ought to be named in the warrant.

#### 8. AFTER CLOSE OF POLL

Persons  
entitled to  
be present.

**39. Closing of the Poll.**—The outer door of the polling station will be closed at 6 p.m. (standard time), or after the electors who have actually arrived at the polling station at that hour have been allowed to vote. The counting of the votes will then be proceeded with. A candidate is entitled to be present as well as both the agents or electors representing him. However, in order to be entitled to that privilege, agents or electors representing candidates must be present in the polling station at the above-mentioned hour. Agents or electors representing candidates arriving at the polling station after 6 p.m. (standard time) are not to be admitted. If none of the candidates are represented, it is the duty of the deputy returning officer to secure the attendance of at least two electors. He may permit to be present as many more as he desires. At this stage, the deputy returning officer and the poll clerk are specially requested to follow closely every item of duty set out in Part V of the Diary of Duties printed at pages 7 and 8.



**40. Counting the Number of Electors.**—When the proper witnesses are present, the first step is to count the number of electors who appear by the poll book to have voted. Immediately under the name of the elector who voted last, the following certificate will be written and signed by the deputy returning officer: *The number of electors who voted at this election in this polling station is . . . . .* The ballot box will not be opened until after the directions given in this paragraph and in the three next following paragraphs have been fully complied with.

Counting  
electors in  
poll book.

**41. Disposal of Spoiled Ballot Papers.**—(1) The next step is to count the spoiled ballot papers, if any, place them in the envelope (Form 68), indicate thereon the number of such spoiled ballot papers, and seal such envelope. If there are no spoiled ballot papers, the deputy returning officer will write the word "none" in the space provided for the insertion of the number of spoiled ballot papers on the envelope. The envelope will then be laid aside until the time comes to place it in the large envelope (Form 71), as directed in paragraph 46.

Spoiled  
ballot  
papers.

(2) It appears that a few deputy returning officers are experiencing some difficulties in understanding the difference between spoiled ballot papers and rejected ballot papers. There does not appear to be any better way to demonstrate the difference between these two classes of ballot papers than by first quoting the definition given in the Statute with regard to spoiled ballot papers, which reads as follows:

Spoiled  
and  
rejected  
ballot  
papers.

"Spoiled ballot paper means a ballot paper that, on polling day, has not been deposited in the ballot box but has been found by the deputy returning officer to be soiled or improperly printed, or that has been handed by the deputy returning officer to an elector to cast his vote, and (a) has been spoiled in marking by the elector, and (b) has been handed back to the deputy returning officer and exchanged for another;"

and then by quoting the definition given in the Statute with regard to rejected ballot papers, which reads as follows:

"Rejected ballot paper means a ballot paper that has been handed by the deputy returning officer to an elector to cast his vote, but, at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted."

The deputy returning officer is required to exercise the utmost care in dealing with spoiled ballot papers and rejected ballot papers, according to the directions set out in these Instructions.

**42. Disposal of Unused Ballot Papers.**—The deputy returning officer will then count the unused ballot papers undetached from the books and put them, with the stubs of the used ballot papers, into the envelope (Form 153), which will be properly endorsed and sealed with a gummed paper seal (Form 116). The deputy returning officer and the poll clerk will affix their signatures to such gummed paper seal; the candidates' agents or

Unused  
ballot  
papers.

representatives may also affix their signatures thereto. The completed envelope (Form 153) will then be laid aside until the time comes to place it in the large envelope (Form 71), as directed in paragraph 46.

Checking  
number of  
ballot  
papers.

**43. Checking Number of Ballot Papers Supplied.**—The deputy returning officer will then check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers, and the number of electors whose names appear in the poll book as having voted, in order to ascertain that all ballot papers so supplied are accounted for.

Tally sheets.

**44. Tally Sheets.**—Amongst the forms mentioned in the first part of List of Supplies No. Five will be found five tally sheets (Form 74). These sheets will be used by the poll clerk and the candidates' agents or representatives to keep the score of the votes cast as the name of the candidate for whom each ballot paper has been marked is called out by the deputy returning officer, as directed in paragraph 45(2). After the result of the voting has been correctly ascertained, the tally sheets may be retained by the persons by whom they were used, or destroyed.

Procedure.

**45. Counting the Votes.**—The procedure for counting the votes should be as follows:

Emptying  
ballot box.

(1) The ballot box will be opened and its contents placed on a table.

Examining  
ballot  
papers.

(2) The ballot papers will be unfolded successively by the deputy returning officer, who will examine each and verify his initials on the back. He will call out the name of the candidate for whom each ballot paper has been marked so as to permit any person present to keep his own score on the tally sheet (Form 74). The poll clerk will keep the score whether or not the others do so. The examination of the ballot papers must be so conducted as to permit every person present, if he so desires, to see both the mark on the face of the ballot papers and the initials of the deputy returning officer on the back. During the counting of the votes, the ballot papers must be handled exclusively by the deputy returning officer. The ballot papers marked for each candidate will be kept apart.

Removal of  
counterfoil.

(3) If a ballot paper is found in the ballot box with its counterfoil, which the deputy returning officer has failed to remove, the deputy returning officer will now detach and destroy it, carefully concealing the serial number printed on the back thereof from the persons present and without examining such serial number himself. Nothing in this direction contained, however, will relieve the deputy returning officer from any penalty to which he may have become liable by reason of his failure to remove and destroy the counterfoil at the time of the casting of the vote to which it relates.

Initiailling  
ballot  
papers.

(4) If it is discovered that the deputy returning officer has omitted to affix his initials on the back of a ballot paper found in the ballot box, the deputy returning officer will, in the presence of the poll clerk and of the agents or representatives



of the candidates, and subject to certain conditions mentioned hereunder, affix his initials in the appropriate space on the back of such ballot paper and he will count it as if it had been initialled by him in the first place. Before initialling and counting such ballot paper, however, the deputy returning officer must satisfy himself that the ballot paper is one that has been supplied by him, that the omission of his initials has really been made, and that every ballot paper supplied to him by the returning officer has been accounted for, as prescribed in paragraph 43. Nothing in this direction contained, however, will relieve the deputy returning officer from any penalty to which he may have become liable by reason of his failure to affix his initials on the back of the ballot paper in question before handing it to the elector.

(5) Any irregular or invalid ballot paper will be rejected either by the deputy returning officer on his own motion, or upon objection to it being made by any other person present and sustained by the deputy returning officer. The validity of each ballot paper will be finally determined by the deputy returning officer before another ballot paper is considered. The deputy returning officer will not go far wrong if he accepts the ballot papers not falling within one of the following classes, viz.:

Acceptance and rejection of ballot papers.

- (a) *Ballot paper not supplied by the deputy returning officer.*
- (b) *Ballot paper not marked for any candidate or marked for more than one candidate.*
- (c) *Ballot paper upon which the elector has made any mark or writing by which he could be identified.*
- (d) *Ballot paper marked with ink or a coloured pencil.*
- (e) *Ballot paper which is not marked with a cross, but with any mark such as the following:—* **IVAO**

A black lead pencil cross with arms intersecting anywhere in a candidate's space will be accepted, unless any peculiarity in the cross is apparently deliberate and is such that the elector could be identified by its description. Subject to that condition, it does not matter whether a cross is irregular, shaky or ill-made, or what is its shape or position in the candidate's space. No apparently involuntary mark made by the elector, and no mark, voluntary or otherwise, made by the deputy returning officer, will justify the rejection of a ballot paper. For the guidance of deputy returning officers in the acceptance and in the rejection of ballot papers during the counting of the votes, a special form (Form 102) is furnished in List of Supplies No. Five. This form contains various samples of marked ballot papers and a memorandum on the subject.

(6) If a ballot paper is objected to by any person present, the nature of the objection will be entered on the record of objections (Form 124) which is printed at page 30 of the poll book; the consecutive number of the objection as entered will be endorsed on the back of such ballot paper, and the initials of the deputy returning officer will again be affixed thereto. The deputy returning officer will at once announce his decision as to whether or not the ballot paper in question is to be counted,

Recording objections to ballot papers.

and his decision will be noted in the proper column of the above-mentioned record of objections. The decision of the deputy returning officer will be final, subject to reversal, later on, if there is a recount by a judge. The deputy returning officer will affix his initials to the said record opposite the entry relating to his decision as to the acceptance or rejection of the ballot paper in question.

Putting used  
ballot papers  
into their  
envelopes.

**46. Packaging Used Ballot Papers.**—As soon as the counting of the votes has been completed, the scores compared, and the totals agreed upon, the ballot papers counted for each candidate will be placed separately in the envelopes (Form 73). On each of these will be endorsed the number of ballot papers it contains and the name of the candidate for whom they have been counted. These envelopes will then be sealed with gummed paper seals (Form 116). The rejected ballot papers will be placed in the proper envelope (Form 67), which will be endorsed with the number of rejected ballot papers it contains and sealed with a gummed paper seal (Form 116). The deputy returning officer and the poll clerk will affix their signatures to such gummed paper seals; the candidates' agents or representatives may also affix their signatures thereto. If there are no rejected ballot papers, the deputy returning officer will write the word "none" in the space provided for the insertion of the number of rejected ballot papers on the envelope. All the envelopes containing ballot papers, including, in addition to those just referred to, those containing spoiled ballot papers and unused ballot papers, will at this stage be put into the large envelope (Form 71), but this large envelope must not yet be sealed.

Oaths after  
count.

**47. Oaths of D.R.O. and Poll Clerk.**—As soon as the ballot papers have been put into their respective envelopes, the deputy returning officer and the poll clerk will complete and swear their oaths (Forms 56 and 57), relating to the conduct of the poll, which are printed at page 31 of the poll book. Each of them must swear his oath before the other.

How  
statements  
of the poll  
are prepared  
and dealt  
with.

**48. Statements of the Poll.**—On pages 32 to 40 of the poll book will be found several copies of the statement of the poll (Form 58) which must be filled in and dealt with as directed upon each of them respectively. One copy (full page) is bound in the poll book and will not be removed from it. The other copies will be detached, as required, at the line of perforations. One copy (full page) will be retained by the deputy returning officer. The next copy (full page), which is called the "official statement of the poll", is for the returning officer and will be put into the envelope (Form 155) which will be sealed and placed in the ballot box. One copy (half page) will be delivered to one of the agents or representatives of each candidate in the polling station, and one copy (half page) will be put into one of the envelopes (Form 95) on which a postage stamp is printed, and kept ready to be sent by ordinary mail to each candidate in the field at the by-election. These envelopes will be sent to the several candidates at their addresses as given on the ballot papers.



**49. Packaging the remaining Documents.**—The official list of electors will now be put into the envelope (Form 134), which should also contain the written appointments of the candidates' agents, the completed affidavits of qualifications (Form 42), if any, the duplicates of transfer and advance poll certificates, if any, and any used transfer certificates (Form 44), or other certificates, if any, delivered to the deputy returning officer. The envelope (Form 134) will then be completed, sealed, and placed in the large envelope (Form 71). When this large envelope is ready to be sealed, it should contain the poll book, the envelope containing the official list of electors, etc., and the envelopes containing ballot papers—unused, spoiled, rejected, and counted for each candidate—each of them being properly completed and sealed. The large envelope (Form 71) will now be closed and sealed with a gummed paper seal (Form 116). The deputy returning officer and the poll clerk will affix their signatures to such gummed paper seal; the candidates' agents or representatives may also affix their signatures thereto. The large envelope (Form 71) will then be placed in the ballot box after the spaces on its face have been duly filled in. The ballot box must then contain only two envelopes, the large one (Form 71) containing the poll book and other documents and the small one (Form 155) containing only the official statement of the poll. Failure to carry out the directions on the subject of the placing of these documents in their proper envelopes and of the putting of these two envelopes separately into the ballot box may involve the forfeiture of the deputy returning officer's fees. This book of Instructions (Book M), the Notice of Grant of a Poll, and various other unused supplies will be kept by the deputy returning officer or destroyed. However, if there are any unused envelopes (Form 95), they must be destroyed immediately. The Directions to Electors (Form 37) posted up inside and about the polling station will be taken down and destroyed by the deputy returning officer or the poll clerk. The remaining special metal seals (except the one required to finally lock and seal the ballot box) will be placed in the ballot box.

Putting remaining documents into their envelopes.

**50. Locking and Sealing Ballot Box.**—When the ballot box has been ascertained to contain the two envelopes (Forms 71 and 155) and any special metal seal not required, it will be locked and sealed with a special metal seal. The deputy returning officer must lock and seal his ballot box exactly as directed in the Memorandum of Instructions (Form 98) referred to in paragraph 5(4). The candidates' agents or representatives may take note of the serial number embossed on the special metal seal affixed to the ballot box. The tag (Form 121) will then be completed and securely attached to the ballot box.

Sealing the ballot box.

**51. Preliminary Statement of the Poll.**—Amongst the forms mentioned in List of Supplies No. Five will be found a preliminary statement of the poll (Form 75). The deputy returning officer is required to fill in properly this preliminary statement and enclose it, with the polling station account, in the envelope (Form 154), which is to be transmitted or delivered to the returning officer separately and not enclosed in nor attached to the ballot box. The deputy returning officer must insert, in the space

Preliminary statement of the poll.

provided for that purpose on the preliminary statement of the poll, the serial number embossed on the special metal seal used in locking and sealing the ballot box before its dispatch to the returning officer. The purpose of this preliminary statement is to enable the returning officer to make a preliminary compilation of the number of votes cast for each candidate.

Account.

**52. Ordinary Polling Station Account.**—After the ballot box has been locked and sealed, as directed in paragraph 50, the ordinary polling station account will be prepared by the deputy returning officer according to the items of the Tariff of Fees which are set out in paragraph 54. The account (Form 101) contains indications for its proper completion, and these should be carefully followed, since, if prompt payment is to be obtained, the account must be regular in form and certified, wherever necessary, by the deputy returning officer. Special care should be taken to see that the number of the polling station or polling division is correctly stated in the heading of the account. Upon being properly completed, the account will be placed, with the preliminary statement of the poll, in the envelope (Form 154), and this envelope will be sealed and the name and address of the returning officer inserted thereon. The deputy returning officer must not place this envelope (Form 154) in the ballot box.

Dispatch or  
delivery of  
ballot box,  
etc.

**53. Disposal of Ballot Box, etc.**—The ballot box will be dispatched immediately to the returning officer by registered mail, post free, and the envelope (Form 154), on which a postage stamp is printed, will be dispatched immediately by ordinary mail, unless it is delivered with the ballot box to the office of the returning officer. Whether the transmission is made by mail or otherwise, the envelope (Form 154) must not be attached to nor enclosed in the ballot box. The deputy returning officer will himself look after the dispatching or the delivery of the ballot box and of the envelope (Form 154). At the same time, the envelopes (Form 95) addressed to the candidates, containing the copies of the statement of the poll, will be dispatched by ordinary mail.

## 9. FEES AND ALLOWANCES TO POLL OFFICIALS

Fees and  
allowances.

**54. Fees payable to Poll Officials.**—The fees of deputy returning officers, poll clerks, landlords of polling stations, interpreters, and constables, are set out in Items 28, 29, 32, 35 and 36 of the Tariff of Fees, which reads as follows:

### *Deputy Returning Officer*

Item 28. For all services, including attendance at the ordinary polling station on polling day, an allowance of \$15.

### *Poll Clerk*

Item 29. For all services, including attendance at the ordinary polling station on polling day, an allowance of \$10.

### *Rental of Ordinary Polling Station*

Item 32. For a building or part of a building used as an ordinary polling station (including fuel, light, and furniture): an allowance of \$15 for each polling station established therein.



*Interpreter*

Item 35. For the services of an interpreter at a polling station, when duly appointed and sworn by the deputy returning officer, and necessarily employed while the poll is open on polling day, an allowance of \$5.

*Constable*

Item 36. For the services of a constable at a polling station, when duly appointed and sworn by the deputy returning officer, and necessarily employed while the poll is open on polling day, an allowance of \$5.

**55. Mode of paying certain Election Officers.**—The Statute prescribes that, except in the electoral districts of Yukon and Mackenzie River, deputy returning officers, poll clerks, and landlords of ordinary polling stations will be paid by special warrants finally issued by the returning officer. These warrants will not be issued until after the official addition of the votes has been held, which means that these three classes of election officers should be paid within two or three weeks after polling day. When there is more than a month's delay, the matter should be taken up with the Chief Electoral Officer. These warrants will be honoured in the same manner as any Government cheque and are negotiable without charge at any chartered bank in Canada. Before presenting any warrant for payment, it must be endorsed by the person to whom it is made payable; otherwise, it will not be accepted. Every warrant will be presented for payment in a chartered bank within thirty days after it has been issued. The deputy returning officer will take care to see that he has certified his polling station account (Form 101); otherwise, there will be some delay in issuing the warrants. A constable or an interpreter who has been appointed and sworn by the deputy returning officer, and employed on polling day, will not be paid by warrant but by a separate cheque sent from Ottawa.

Payment of  
fees by  
warrants.

## 10. LIST OF SUPPLIES No. FIVE

Forms, etc., for use by the Deputy Returning Officer  
at an Ordinary Poll

*Note.—The following forms and supplies (sufficient when four candidates are running) are enclosed in a large envelope sent to the returning officer for distribution to the deputy returning officer for each ordinary poll.*

Form No.	Description	Number included in large envelope	Paragraph wherein referred
Book B	Poll Book.....	1	Various
Book M	Instructions for Deputy Returning Officers at Ordinary Polls.	1	1
37	Directions to Electors.....	10	10, 49
41, 43, 46-50	Card of oral oaths.....	1	Various
51, 53	Information for personation.....	2	38
52, 54	Information for voting with knowledge of disqualification, etc.	2	38
67	Envelope for rejected ballot papers.....	1	46
68	Envelope for spoiled ballot papers.....	1	29, 41
71	Envelope for poll book, etc.....	1	Various
73	Envelope for ballot papers cast for each candidate..	4	46
74	Tally sheet.....	5	44, 45
75	Preliminary statement of poll.....	1	51
88	Envelope containing stationery and ten gummed paper seals (Form 116).	1	5(1), 10
95	Envelope to be addressed to candidate.....	4	48, 49, 53
96	Envelope containing five special metal seals and Memorandum of Instructions (Form 98).	1	5(4), 13, 50
101	Polling station account.....	1	25, 36, 52, 55
102	Samples of marked ballot papers.....	1	45(5)
121	Tag for sending ballot box to R.O.....	1	50
134	Envelope for official list of electors, etc.....	1	7, 11, 15, 19(3), 49
151	Specimen page of poll book.....	1	17
152	Specimen folded ballot paper.....	1	27
153	Envelope for unused ballot papers, etc.....	1	42
154	Envelope for account, etc.....	1	51-53
155	Envelope for official statement of poll.....	1	48-50
158	Entries to be made in poll book.....	1	17
160	Instructions <i>re</i> handling of ballot papers.....	1	27

The returning officer will add in the ballot box:

—	Notice of Grant of a Poll.....	One copy	10, 49
—	Ballot papers.....	Number required	5
—	Official list of electors.....	One copy	5
42	Affidavit of qualification ( <i>in urban polling divisions only</i> ).	One pad of 20 affidavits	19(3), 34, 49
73	Envelope for ballot papers cast for each candidate..	One for each candidate over four	—
95	Envelope to be addressed to candidate.....	"	—



**What is stated hereunder is for the guidance of deputy returning officers for rural polling divisions in establishing a person's right to vote under the procedure set forth in paragraph 24**

# 11. STATEMENT RELATING TO THE QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS AT A BY-ELECTION

**A. Qualifications.**—(1) The general rule as to the qualifications of electors at a by-election, which is subject to certain exceptions specified in the following clauses of this Statement, is that every person, man or woman, is entitled to vote in the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering the by-election in the electoral district, if he or she

General rule as to qualifications of electors.

- (a) has attained the full age of twenty-one years on polling day at such by-election;
- (b) is a Canadian citizen or other British subject;
- (c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such by-election; and
- (d) has continued to be ordinarily resident in the electoral district until polling day at such by-election.

(2) A person who has changed the place of his ordinary residence within the electoral district, after the date of the issue of the writ ordering a by-election, is entitled to vote in the rural polling division where his new residence is situated, if such person is otherwise qualified as an elector. However, since the name of such person cannot be legally registered on the list of electors for such new rural polling division either during the enumeration or the revision, the only way that such person can exercise his franchise in his new rural polling division is according to the procedure set forth in paragraph 24, which is printed at page 18.

Voting by qualified elector who has recently moved to a new rural polling division.

(3) A Canadian Forces elector is entitled to vote at a by-election only in the electoral district in which is situated the place of his ordinary residence as shown on the statement made by him under paragraph 22 of *The Canadian Forces Voting Regulations* and as recorded in the headquarters of the Canadian Forces. (The expression "Canadian Forces elector" means a person who has attained the full age of twenty-one years, who is a Canadian citizen or other British subject, and who is a member of the regular, reserve, or active service forces of the Canadian Forces. In addition, any member of the Canadian Forces who, on or subsequent to the 9th day of September, 1950, served on active service in such Forces and who, at a by-election, has not attained the full age of twenty-one years, is deemed to be a Canadian Forces elector.)

Qualifications of Canadian Forces electors.

(4) A person who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the

Qualifications of veteran electors.

**What is stated hereunder is for the guidance of deputy  
returning officers for rural polling divisions in  
establishing a person's right to vote under the  
procedure set forth in paragraph 24**

9th day of September, 1950, and has been discharged from such Forces, and who is receiving treatment or domiciliary care under the jurisdiction of the Department of Veterans Affairs, in any hospital or institution, is entitled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence at the time of such by-election.

Qualification  
of veteran  
under 21  
years of age.

(5) A person who, subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and has not attained the full age of twenty-one years, is entitled to vote at a by-election in the polling division in which he ordinarily resides, if such person is otherwise qualified as an elector.

Qualification  
of wife of  
Indian  
veteran.

(6) A woman who is the wife of an Indian, as defined in clause **B** (c) of this Statement, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, is entitled to vote at a by-election in the polling division in which she ordinarily resides, if such a woman is otherwise qualified as an elector.

Disqualified  
persons.

**B. Disqualifications.**—There are certain classes of persons who, although qualified as electors under the general rule referred to in clause **A** (1) of this Statement, are not entitled to vote at a by-election; thus no person is entitled to vote who

Returning  
officer.

(a) is the returning officer for the electoral district, except when there is an equality of votes on the official addition or on a recount, as provided in the Statute;

Judge.

(b) is a judge appointed by the Governor in Council;

Indian.

(c) except in the case of a person mentioned in clause **A** (6) of this Statement, is an Indian, as defined in the *Indian Act*, ordinarily resident on a reserve,\* unless,

(i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, or

(ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemptions under the *Indian Act* from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election.

(According to the definition given in the *Indian Act*, the term "Indian" means a person who is registered as an Indian or is entitled to be registered as an Indian.)

Inmate of  
penal  
institution.

(d) is undergoing punishment as an inmate in any penal institution for the commission of an offence;

\* If an Indian does not reside on a reserve, his right to vote is to be determined in the same manner as any other person who is not an Indian.



**What is stated hereunder is for the guidance of deputy returning officers for rural polling divisions in establishing a person's right to vote under the procedure set forth in paragraph 24**

- (e) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease; Mental disease.
- (f) is disqualified from voting under any law relating to the disqualification of electors for corrupt or illegal practices;\* Election offences.
- (g) is occupying residential quarters that are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive; Summer resident.
- (h) is staying in lodgings, hostels, refuges or similar institutions conducted for charitable or semi-charitable purposes, unless such person has been in continuous residence in such lodgings, hostels, refuges or similar institutions, for at least ten days immediately preceding the date of the issue of the writ ordering the by-election; Inmate of lodgings, hostels, refuges, etc.
- (i) has come to the electoral district for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district, unless such person has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of the writ ordering the by-election; Person temporarily engaged in a public work.
- (j) is the wife or dependant of a person mentioned in the preceding clause (i) who has come to the electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, unless such wife or dependant has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of the writ ordering the by-election; and Wife or dependant of person temporarily engaged in a public work.
- (k) is employed for pay or reward on behalf of a candidate in connection with the by-election.\*\* Paid election worker.

**C. What does "ordinarily resident" mean generally.—** Definition of ordinary residence.

(1) There is often difficulty in determining where a person can fairly be said to be "ordinarily resident" at any given time or during any given period. In deciding whether a person has

\* Disqualification by reason of illegal or corrupt practices need not concern the deputy returning officer unless he happens to know that the person in question has been convicted of an offence in connection with an election and disqualified from voting by the Court.

\*\* The disqualification by reason of employment for pay or reward in effect applies to any person employed on behalf of a candidate in connection with the by-election, unless such person comes under the exceptions mentioned in the Statute. Before the opening of the poll, the returning officer will communicate to the deputy returning officer the names, addresses, and occupations of the electors who may seek to vote in his polling station who fall under the said exceptions.

**What is stated hereunder is for the guidance of deputy  
returning officers for rural polling divisions in  
establishing a person's right to vote under the  
procedure set forth in paragraph 24**

been ordinarily resident in Canada for the twelve months immediately preceding polling day at the by-election, whether he was ordinarily resident in the polling division on the date of the issue of the writ ordering the by-election, or whether he has continued to be ordinarily resident in the electoral district from the issue of such writ onward, the deputy returning officer will be guided by the relevant directions of this Statement. A person may in general be said to be ordinarily resident at the place where he sleeps, but this may not be so if there is some other place which is his real place of ordinary residence or home, for instance, an establishment which he permanently maintains as his residential quarters or at which his wife or children ordinarily reside or, in the case of a young man or woman, with his or her parents. For the purpose of his qualification as an elector, everyone is entitled to be treated as ordinarily resident at his home even during the time he is absent therefrom for any temporary purpose, though if he has no real home or if, in spite of his having one, he makes his residential quarters elsewhere for any substantial length of time, he is entitled to be treated as an ordinary resident of the place where his temporary residential quarters are. In reaching a decision in any given case, the deputy returning officer must be guided by his best judgment on all the relevant facts.

Ordinary  
residence  
of students.

(2) A student who is absent from home while attending a university or other educational institution and who spends most of his holidays at his parents' dwelling place and, in addition, returns thereto at every other opportunity, does not cease to ordinarily reside in the polling division in which such dwelling place is situated. Such student, if otherwise qualified as an elector, is entitled to vote at a by-election in the polling division in which his parents' dwelling place is situated, as though he had been continuously residing therein. For this purpose, it is immaterial whether the student was at home or at the educational institution on the date upon which the writ ordering the by-election was issued.

Residence of  
members of  
the Canadian  
Forces.

**D. Members of the Canadian Forces.**—The Statute prescribes that a Canadian Forces elector is deemed to continue to ordinarily reside in the polling division in which is situated the place of his ordinary residence as shown on the statement made by him under paragraph 22 of *The Canadian Forces Voting Regulations* and as recorded in the headquarters of the Canadian Forces. Therefore, such person is entitled to vote at the by-election in such polling division, no matter how long he may have been absent from such polling division while on service in the Canadian Forces.



**What is stated hereunder is for the guidance of deputy returning officers for rural polling divisions in establishing a person's right to vote under the procedure set forth in paragraph 24**

**E. Patients, etc., in Ordinary Hospitals.**—In an ordinary (acute) hospital, the average stay of patients being ten days, the deputy returning officer should bear in mind that such patients are not entitled to vote in the polling division in which such hospital is situated. Therefore, in an ordinary hospital, the only persons who are entitled to vote at a by-election in the polling division in which such hospital is situated, are the permanent patients or inmates and the members of the permanent staff who are ordinarily and continuously residing in such hospital, if such persons are otherwise qualified as electors.

Patients,  
etc., in  
ordinary  
hospitals.

**F. Persons residing in a Sanatorium, etc.**—A person is deemed to be ordinarily resident, on the date of the issue of the writ ordering a by-election in the electoral district, in a sanatorium, a chronic hospital, or similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ten days immediately preceding the date of the issue of such writ; therefore, such person is entitled to vote in the polling division in which such sanatorium, chronic hospital, or similar institution is situated, if such person is otherwise qualified as an elector.

Persons  
residing  
in a  
sanatorium,  
etc.

**G. Unmarried Teachers.**—No hard and fast rules can be applied to an unmarried teacher who keeps continuously in touch with the home of her parents during the period she is teaching school in another electoral district. For instance, take the case of an unmarried teacher whose parents' home is in the Town of Almonte, but who teaches school in the Town of Napanee; if such a teacher spends most of her holidays at her parents' home, and, in addition, returns thereto at every other opportunity, she can reasonably maintain that she has not ceased to ordinarily reside with her parents. Therefore, in the event of a by-election being held in the electoral district where the Town of Almonte is situated, there should be no objection raised to such a teacher voting in the polling division of the Town of Almonte where the home of her parents is situated, if she is otherwise qualified as an elector. On the other hand, such a teacher can also reasonably maintain that she is ordinarily residing in the polling division of the Town of Napanee where her place of residence while teaching school is situated. Therefore, in the event of a by-election being held in the electoral district where the Town of Napanee is situated, there should be no objection raised to such a teacher voting in the polling division of the Town of Napanee where the place of her residence while teaching school is situated. What is stated above might appear to apply only to female unmarried teachers, but it applies equally to unmarried teachers of the opposite sex.

Residence  
qualifica-  
tions of  
unmarried  
teachers.

## 12. STATEMENT RELATING TO CANADIAN CITIZENS AND BRITISH SUBJECTS\*

### Canadian Citizens

Canadian citizens may be divided into two classes—natural-born and other than natural-born. The natural-born may be divided into two sub-divisions:

Natural-born Canadian citizen before January 1, 1947. 1. A person born before the commencement of the Canadian Citizenship Act (January 1, 1947) is a natural-born Canadian citizen—

- (a) If he was born in Canada or on a Canadian ship (including airship) and was not an alien on the 1st day of January, 1947;
- (b) If he was born outside of Canada elsewhere than on a Canadian ship and was not, on the 1st day of January, 1947, an alien and either was a minor on that date or had, before that date, been lawfully admitted to Canada for permanent residence and his father (or the mother in the case of a person born out of wedlock)—
  - (i) was born in Canada or on a Canadian ship and was not an alien at the time of that person's birth, or
  - (ii) was, at the time of that person's birth, a British subject who had Canadian domicile, or
  - (iii) was, at the time of that person's birth, a person who had been granted, or whose name was included in, a certificate of naturalization, or
  - (iv) was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation.

(NOTE: Canadian domicile, for the purposes of (ii), is Canadian domicile within the meaning of the Immigration Act, and the father would be required to prove, in effect, that he was in possession of Canadian domicile at the time of his child's birth.)

Declaration  
of  
retention.

A person who is a Canadian citizen under paragraph (b), and was a minor on the 1st day of January, 1947, ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years unless he—

- (a) has his place of domicile in Canada at such date; or
- (b) has, before such date and after attaining the age of twenty-one years, filed, with a representative of the Government of Canada, or with the Registrar of Canadian Citizenship, a declaration of retention of Canadian citizenship.

Natural-born Canadian citizen on or after January 1, 1947.

2. A person, born after the 31st day of December, 1946, is a natural-born Canadian citizen—

- (a) If he is born in Canada or on a Canadian ship;

\* The laws relating to Canadian citizenship and British nationality are somewhat involved; therefore, in case of doubt on any matter of citizenship or nationality, the question should be referred to the Registrar of Canadian Citizenship, Department of Citizenship and Immigration, Ottawa.



- (b) If he is born outside of Canada elsewhere than on a Canadian ship and his father (or the mother, in the case of a person born out of wedlock), at the time of that person's birth, is a Canadian citizen, and the fact of the birth is registered (by the father, the mother, or the legal guardian of the child) with a representative of the Government of Canada (ultimately it reaches the Registrar of Canadian Citizenship), within two years after its occurrence, or within such extended period as the Minister of Citizenship and Immigration may authorize in special cases.

NOTE: Paragraph 2(a) does not apply to a person if, at the time of that person's birth, his responsible parent—

- (a) is an alien who has not been lawfully admitted to Canada for permanent residence; and
- (b) is
- (i) a foreign diplomatic or consular officer or a representative of a foreign government accredited to Her Majesty,
  - (ii) an employee of a foreign government attached to or in the service of a foreign diplomatic mission or consulate in Canada, or
  - (iii) an employee in the service of a person referred to in subparagraph (i).

NOTE: A person who is a Canadian citizen as described in 2(b) ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years unless he complies with precisely the same conditions as those set out in paragraphs (a) and (b) of the latter part of 1.

NOTE: A person who has ceased to be a Canadian citizen by failure to establish a place of domicile in Canada, or to file a declaration of retention may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister of Citizenship and Immigration, be deemed to have resumed Canadian citizenship as of the date of such approval, or as of such other earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.

#### *Canadian citizens other than natural-born*

A person other than a natural-born Canadian citizen is a Canadian citizen, if—

- (a) that person was granted, or the name of that person was included in, a certificate of naturalization, and was not an alien on the 1st day of January, 1947, or
- (b) that person, immediately before the 1st day of January, 1947, was a British subject who had Canadian domicile, or
- (c) that person was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation, or

- (d) that person, being a woman other than a woman who comes within paragraph (a), (b) or (c),
  - (i) before the 1st day of January, 1947, was married to a man who, if the Canadian Citizenship Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen, or a Canadian citizen as provided in (a), (b) or (c) immediately above, and
  - (ii) on the 1st day of January, 1947, was a British subject and had been lawfully admitted to Canada for permanent residence.

NOTE: With respect to (b), immediately above, "Canadian domicile" means a residence of five years' residence in Canada after the date of admission for permanent residence, as required under the Canadian Immigration Act.

NOTE: A British subject who does not come within the category of (b), (c) or (d) does not acquire Canadian citizenship unless he qualifies for and is granted a certificate of Canadian citizenship.

NOTE: The foregoing, "Canadian citizens other than natural-born", is transitional, having to do with the status of persons at the commencement of the Canadian Citizenship Act on January 1, 1947.

### **British Subjects**

Status of  
British  
subjects.

The Statute prescribes that a Canadian citizen is a British subject; but a person may be a British subject and not a Canadian citizen.

#### *1. Who Are British Subjects?*

Dealing with the question in the most general terms, a person is a British subject by birth, by naturalization, or, in the case of a woman, by marriage to a British subject prior to the 1st January, 1949. If the marriage has taken place since the 1st January, 1949, the alien woman has not become a British subject merely by the fact of marriage.

NOTE: Under Canadian law, an alien woman who marries a Canadian citizen after January 1, 1947, becomes neither a British subject nor a Canadian citizen. However, under the naturalization laws of the United Kingdom, the period during which an alien woman could become a British subject on marriage continued until their new Act came into force on January 1, 1949. There is a provision in the Canadian Statute which recognizes this fact; therefore, it may be said generally that up to January 1, 1949, the alien woman who married a British subject automatically acquired British nationality.

#### *2. Acquisition of British Nationality*

How British  
nationality  
is acquired.

Every person has, in Canada, the status of a British subject who—

- (a) was born in any country of the British Commonwealth, or on a British ship, or on a Canadian ship or aircraft, regardless of the nationality of his or her parents, or



- (b) was born elsewhere of a father who, at the time of the child's birth, was a British subject, or
- (c) has been personally granted a certificate of naturalization under any statute of Canada, or under a naturalization act in any other country of the British Commonwealth, or
- (d) has had his or her name included in a certificate of naturalization granted to a parent under the Canadian Naturalization Act, 1914, and subsequent acts up to 1947, or in a certificate granted to a parent in any other country of the British Commonwealth, or
- (e) is the child of a person naturalized in Canada before January 1, 1915, and was a minor and resident in Canada at the time of the naturalization of the parents, or was a minor and resident in Canada before January 1, 1915, or
- (f) is the wife of a man who was an alien at the time of the marriage but later, during the marriage and before January 15, 1932, became a naturalized British subject, or
- (g) is a woman who, between January 15, 1932 and January 1, 1947, and following the naturalization of her alien husband, filed with the Naturalization Branch a declaration of her desire to acquire British nationality. A woman in this category would be in possession of her own certificate of naturalization as a British subject.

### 3. *Commonwealth Countries*

A person who has acquired the status of a British subject by birth or naturalization under the laws of any country of the British Commonwealth to which he was subject at the time of his birth or naturalization is recognized in Canada as a British subject. These British Commonwealth countries are—

List of  
Common-  
wealth  
countries.

Australia  
Canada  
Ceylon  
India  
New Zealand  
Pakistan  
Southern Rhodesia  
Union of South Africa  
United Kingdom.

### 4. *Special Status of Citizens of the Republic of Ireland*

Although the Republic of Ireland is not now a Commonwealth country, and although its citizens are not British subjects, nevertheless its citizens are given, in Canada, the same consideration as British subjects. The Statute reads—

Republic of  
Ireland.

"Any law of Canada, including this Act, and any regulation made under the authority of any law of Canada shall, unless it otherwise provides, have effect in relation to a citizen of the Republic of Ireland who is not a British subject in like manner as it has effect in relation to a British subject."

### General Definitions

#### Definitions.

1. "Alien" means a person who is not a Canadian citizen, Commonwealth citizen, British subject, or citizen of the Republic of Ireland.

2. "Foreign", as applied to a country, a government, or a nationality, does not include a Commonwealth country, or the Republic of Ireland.

### Loss of Canadian Citizenship and British Nationality

How  
Canadian  
citizenship  
and British  
nationality  
are lost.

1. A person who ceases to be a Canadian citizen also ceases to be a British subject unless, under the laws of a Commonwealth country, he has the status of a British subject following his loss of Canadian citizenship.

#### 2. *Loss of Canadian Citizenship*

Canadian citizenship is lost by—

- (a) a Canadian citizen who, when outside of Canada, and not under a disability (a minor, a lunatic, or an idiot), by a voluntary act other than marriage acquires the nationality or citizenship of a country other than Canada.

NOTE: This does not apply where the nationality or citizenship acquired is that of a country at war with Canada at the time of the acquisition, but, in such a case the Minister of Citizenship and Immigration may, in his discretion, order that the Canadian citizen shall cease to be a Canadian citizen. The purpose of this is to hold the person, if deemed necessary, to his obligations as a Canadian citizen.

- (b) a Canadian citizen, who, under the law of another country, is a national or citizen of such country and who serves in the armed forces of such country when it is at war with Canada. This does not apply if the Canadian citizen became a national or citizen of such country when it was at war with Canada.
- (c) a Canadian citizen who, when in Canada, and not under disability, acquires the nationality or citizenship of a foreign country by any voluntary act other than marriage. This, however, is not automatic loss; in such cases, the Governor in Council may, in his discretion, order that such a person shall cease to be a Canadian citizen.
- (d) a Canadian citizen (other than a natural-born Canadian citizen or a Canadian citizen who has served in the armed forces of Canada in time of war and has been honorably discharged therefrom) who resides outside of Canada for a period of at least ten consecutive years without having maintained some substantial connection with Canada, as set out in the Statute.

NOTE: This is automatic loss of citizenship, but the period of absence may, upon application, be extended beyond ten years, for good and sufficient cause, in accordance with the Citizenship Regulations.



The section of the Canadian Citizenship Act governing automatic loss after an absence of ten years is new; that is, there was not a similar provision under the Naturalization Act. Therefore, this section is effective only from January 1, 1947, and will not come into operation until January 1, 1957, ten years from the date of the coming into force of the Canadian Citizenship Act.

A person who has ceased to be a Canadian citizen after a residence of ten consecutive years outside of Canada may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister of Citizenship and Immigration, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.

Resumption  
with  
approval of  
Minister.

### Loss of Citizenship by Revocation

(Applicable only to naturalized persons)

The citizenship of a Canadian citizen, other than a natural-born Canadian citizen, may be revoked by the Governor in Council for such reasons as trading or communicating with an enemy country during time of war; disaffection or disloyalty whilst out of Canada, or, whilst in Canada, has, by a court of competent jurisdiction, been convicted of any offence involving disaffection or disloyalty; obtaining a certificate of naturalization or Canadian citizenship by false representation or fraud; residence outside of Canada for not less than six years (without maintenance of substantial connection) since becoming a Canadian citizen or being naturalized in Canada; residence for not less than two years in a foreign country of which he was a national or citizen at any time prior to his becoming a Canadian citizen or being naturalized in Canada, and has not maintained substantial connection with Canada.

Loss to  
naturalized  
persons by  
revocation.

### Loss by Revocation

(Applicable to both natural-born and naturalized persons)

The Governor in Council may, in his discretion, order that any person shall cease to be a Canadian citizen if, upon a report from the Minister of Citizenship and Immigration, he is satisfied that such person has, when not under a disability—

Loss to  
natural-  
born and  
naturalized  
persons by  
revocation.

- (a) taken or made an oath, affirmation, or other declaration of allegiance to a foreign country;
- (b) made a declaration renouncing his Canadian citizenship.

### Loss in Relation to Women

A British subject woman who married an alien before January 1, 1947, and upon marriage acquired her husband's alien nationality, ceased to be a British subject. If the husband was a Brit-

Loss to  
women in  
any manner.

ish subject who became an alien during the course of the marriage, and prior to January 1, 1947, his wife became an alien if she acquired her husband's nationality.

NOTE: Persons in the above category were automatically restored to British nationality by the British Nationality Act, 1948.

In the case of a marriage subsequent to January 1, 1947, the woman, being a Canadian citizen, does not lose the status of a Canadian citizen and a British subject, unless, having on marriage acquired her husband's nationality, she makes a declaration renouncing her Canadian citizenship (equivalent, for this purpose, to British nationality).

NOTE: The foreign countries, under the laws of which a woman does not acquire the citizenship of such countries on marriage, are—

Argentina	Morocco
Brazil	Palestine
Chile	Panama
Colombia	Paraguay
Ecuador	United States
Guatemala	of America
	Uruguay.









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